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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/804,910	03/13/2001	Ivan Wong Yin Yang	0100.0100380	2786

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ADVANCED MICRO DEVICES, INC.  
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EXAMINER

TRAN, HAI V

ART UNIT

PAPER NUMBER

2623

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/05/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

09/804,910

Applicant(s)

YANG ET AL.

Examiner

Hai Tran

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) 1-5, 14, 23, 25, 27 and 32-35 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6-13, 15-22, 24, 26, 28-31, 36-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/04/2006 has been entered.

### ***Response to Arguments***

Applicant's arguments with respect to claims 6-41 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 6-13, 15-22, 24, 26, 28-31, 36, 38-39, and 41 are rejected under 35 U.S.C. 102(e) as being anticipated by Ellis et al. (US 2003/0149988).

Regarding claims 6, 11, 22, 24, 26, 36 and 39, Ellis teaches as method and system for integrating television program listings with movies recorded on a local database (see Fig. 7; §0098) thereby providing an EPG.

Ellis discloses a database integrator (see § 0066 Fig. 4) that produces for display the program guide (Fig. 10), wherein a use can select the media directory for accessing information related to the user-initiated recorded material. The information including information about recorded material (see fig. 11b,c; see § 0123-0126).

Ellis further discloses displaying EPG wherein information related to recorded material is displaying with television broadcast information wherein the EPG is organized as a grid of entries, each of the entries including the information related to at least one of the current live stream and the future live stream and wherein at least one entry indicates presence of existent recorded material associated with the information related to the at least one of the current live stream and the future live stream (see Fig. 11c; el. 151).

As to claim 7, and 12 Ellis further discloses the claimed recorded material includes time shifting data of a predetermined data stream (see § 0011; §0076).

Regarding claims 8, 9, 28 and 29, Ellis further discloses wherein the recorded material(s) is material derived from a source of digital data (see §0087; §0125 and §0133).

As to claim 10, 13, 17, 20, 30 Ellis further discloses the digital material database includes predetermined recorded stored material data, identification data and at least one of data representing time recorded, time duration, actors/actress, rating and password (see fig. 11b,c ; Fig. 18a,b,c,d and Fig. 19).

Regarding claims 15, 18, 21 and 31, Ellis further discloses the claimed wherein the information regarding at least one of the current live stream and future live stream correspondingly includes at least one of identification of the current live stream and identification of the future live stream (see Fig. 11b), and the information related to recorded material includes identification of the recorded material (see fig. 11b).

As to claims 16 and 19, the claim limitations redundant to the above claims 6 and 7 have been addressed above are not reiterated.

Claim 38 and 41 are analyzed with respect to claim 7.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 37, 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis et al. (US 2003/0149988).

As to claims 37 and 40, Ellis fails to disclose the claimed limitation using a symbol for indicating the presence of existent recorded material.

Official Notice is taken it would have been well known to use "symbol" as indicator for the benefit of alerting/notifying user of existence additional information. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the Ellis to include the claimed limitation for the benefit of notifying or alerting user of existence of recorded program on the EPG.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Tran whose telephone number is (571) 272-7305. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher S. Kelley can be reached on (571) 272-7331. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HT:ht  
12/22/2006

  
HAI TRAN  
PRIMARY EXAMINER